

1 BILL NO. S- 77-02-18.

2 SPECIAL ORDINANCE NO. S- 56-77.

3 AN ORDINANCE authorizing the issuance and sale of
4 \$550,000.00 First Mortgage Revenue Bonds, Series
5 1977, Tokheim Corporation, Lessee of the City of
6 Fort Wayne, Indiana, for the purpose of defraying
7 the cost of acquiring economic development
8 facilities for lease to Tokheim Corporation,
9 authorizing the execution of the Lease Agreement,
providing for the pledge of revenues for the payment
of said bonds, authorizing a mortgage and indenture
of trust appropriate for the protection and disposition
of such revenues; and authorizing the sale of said bonds.

10 WHEREAS, the Fort Wayne Economic Development
11 Commission has developed and filed with the City Plan Commission
12 and the Fort Wayne Community Schools a "Report of Fort Wayne
13 Economic Development Commission Regarding Facilities to be
Constructed for Tokheim Corporation" and the City Clerk has
presented the same to the Common Council; and

14 WHEREAS, it is in the best interest of the City of
15 Fort Wayne and the economic development thereof, that said
16 Report be approved and that the acquisition and construction
17 of the economic development facilities mentioned in said report
be implemented; and

18 WHEREAS, the Fort Wayne Economic Development
19 Commission adopted a resolution approving the financing of said
20 economic development facilities as described in said Report to
be financed by the issuance and sale of revenue bonds to the
21 City of Fort Wayne and the lease of said facilities to Tokheim
22 Corporation, Lessee, and approving a Lease Agreement, Mortgage
and Indenture of Trust, and finding that the proposed financing
complies with the purposes and provisions of IC 1971, 18-6-4.5-1
- 18-6-4.5-29; and

23 WHEREAS, said Resolution was presented to the City
24 Clerk for presentation to the Common Council of the City of
25 Fort Wayne and was so presented.

26 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
27 OF THE CITY OF FORT WAYNE, INDIANA:

28 SECTION 1. The above mentioned Report of the Fort
Wayne Economic Development Commission together with the comments
thereon by the City Plan Commission and the Fort Wayne
29 Community Schools be accepted and ordered filed.

30 SECTION 2. That the Common Council of the City of
31 Fort Wayne gives its approval of the project reported on in
the above mentioned Report of the Fort Wayne Economic Develop-
32 ment Commission.

33 SECTION 3. The financing of the acquisition and
34 construction of the economic development facilities by the
issuance and sale of First Mortgage bonds of the City of Fort
Wayne and the lease of said facilities to Tokheim Corporation
35 as previously approved by the Fort Wayne Economic Development

APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Commission and presented to the Common Council will be of benefit to the health and welfare of the City of Fort Wayne.

SECTION 4. The form of the Lease Agreement and the Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and such documents collectively shall be considered the "Financing Agreements" referred to in IC 1971, 18-6-4.5-1 - 18-6-4.5-29. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.


SECTION 5. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds Tokheim Corporation in the total principal amount of Five Hundred Fifty Thousand (\$550,000.00) Dollars for the purpose of providing funds to acquire and construct the project and lease the same to Tokheim Corporation Lessee, (all as more particularly set out in the Lease Agreement and Mortgage and Indenture of Trust) which bonds will be payable as to principal, premium, if any, and interest primarily from payments by Tokheim Corporation pursuant to the provisions of the financing agreement and other sources as provided in the Lease Agreement or as otherwise provided in the above described Indenture of Trust. The Bond and the interest thereon shall never constitute a charge against the general credit or taxing power of the City.

SECTION 6. The City Clerk is authorized and directed to negotiate the sale of such bonds. In such negotiations the City Clerk may consult with the Mayor, City Attorney, and officers or representatives of Tokheim Corporation to assist in the sale of such bonds.

SECTION 7. The Mayor and City Clerk are authorized and directed to execute the documents approved herein on behalf of the City of Fort Wayne and any other documents which may be necessary or desirable to complete the transaction including the bond authorized herein. The signatures of the Mayor and City Clerk on the bond and coupons may be facsimile signatures. The City Clerk of the City of Fort Wayne is authorized to deliver such bonds to the Trustee named on the Mortgage and Indenture of Trust for delivery to the purchasers therefor, payment for which shall be made to the Trustees named in the Mortgage and Indenture of Trust.

SECTION 8. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing such bonds shall constitute a contract binding between the City of Fort Wayne Economic Development First Mortgage Revenue Bonds, Series 1977 Tokheim Corporation, Lessee, and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remain unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



Councilman

Read the first time in full and on motion by Hunga, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 2-22-77

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>6</u>			<u>3</u>	
BURNS	<u>✓</u>				
HINGA	<u>A</u>				
HUNTER	<u>✓</u>				
MOSES	<u>A</u>				
NUCKOLS	<u>✓</u>				
SCHMIDT, D.	<u>✓</u>				
SCHIMDT, V.	<u>A</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 3-8-77

Charles W. Westerman p.e.
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~)

ORDINANCE (~~RESOLUTION~~) No. 56-77 on the 9th day of March, 1976.

ATTEST: (SEAL)

Charles W. Westerman p.e.
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of March, 1976, at the hour of 2:00 o'clock 3 M., E.S.T.

Charles W. Westerman p.e.
CITY CLERK

Approved and signed by me this 9th day of March, 1976, at the hour of 4:00 o'clock _____ M., E.S.T.

Robert Elmshaus
MAYOR

Bill No. S-77-02-18

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

authorizing the issuance and sale of \$550,000.00 First Mortgage Revenue Bonds,

Series 1977, Tokheim Corporation, Lessee of the City of Fort Wayne, Indiana,

for the purpose of defraying the cost of acquiring economic development facilities

for lease to Tokheim Corporation, authorizing the execution of the Lease

Agreement, providing for the pledge of revenues for the payment of said bonds,

authorizing a mortgage and indenture of trust appropriate for the protection and

disposition of such revenues; and authorizing the sale of said bonds

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

WILLIAM T. HINGA - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

PAUL M. BURNS

FREDRICK HUNTER

7-8-77 CONCURRED IN
DATE CHARLES W. WESTERHOLM, CITY CLERK